

 <div style="text-align: center;"> <p>Massachusetts Department Of Correction</p> <h1>POLICY</h1> </div>	<p>Effective Date</p> <p style="text-align: center;">11/26/2022</p>	<p>Responsible Division</p> <p>Deputy Commissioner, Clinical Services and Reentry</p>	
	<p>Annual Review Date</p> <p style="text-align: center;">10/26/2022</p>		
<p>Policy Name</p> <p style="text-align: center;">103 DOC 407 VICTIM SERVICES UNIT</p>	<p>M.G.L. Reference: M.G.L. c. 6, §§ 178A, and 172(c); M.G.L. c. 123A, § 9; M.G.L. c. 127, § 38D; M.G.L. c. 258B, §§ 3 (h) and (t); 803 CMR 9 Victim Notification Registry (VNR)</p>		
	<p>DOC Policy Reference: 103 CMR 405; 103 DOC 417; 103 DOC 426; 103 CMR 481</p>		
	<p>ACA/PREA Standards: 5-ACI-1B-24; 5-ACI-4B-29; 5-ACI-5F-07; 5-ACI-5F-08;</p>		
<p>Attachments</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Inmate Library</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Applicability: Staff; Registered Individuals(s)</p>	
<p>Public Access</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>		<p>Location:</p> <p>Department's Central Policy File Each Institution's Policy File VSU Policy File Central Records Division's Policy File</p>	
<p>PURPOSE:</p> <p>To establish a Department of Correction (Department) policy for governing the operation of the Victim Services Unit (VSU) in processing and notifying registered individuals whenever an inmate receives a temporary, provisional or final release from custody, is approved for transfer to a security rating lower than medium, and upon escape from custody and in any of the instances noted in 803 CMR 9 <i>Victim Notification Registry (VNR)</i>.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</p> <p>Assistant Deputy Commissioner of Clinical Services and Reentry Director, Victim Services Superintendents</p> <p>CANCELLATION:</p> <p>103 DOC 407 cancels all previous institutional and Department policy statements, bulletins, directives, orders, notices, rules and regulations regarding registration and notification procedures.</p> <p>SEVERABILITY CLAUSE:</p> <p>If any part of 103 DOC 407 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>			

TABLE OF CONTENTS

407.01	Mission Statement	3
407.02	Definitions	3
407.03	Victim Services Unit Duties and Responsibilities	4
407.04	Eligibility for Registration	5
407.05	Staff Victimization	5
407.06	Confidentiality of Registration	6
407.07	Duration of Registration	7
407.08	Cancellation of Registrations	7
407.09	Procedure for Processing Registrations	7
407.10	Department of Correction Responsibility	8
407.11	Duty Station Notifications	10
407.12	Institutional Procedures for Processing Notifications	10
407.13	Telephone, Mail and Applicant Log Procedures	11
407.14	Procedures for Processing Information	11
407.15	VINE-Victim Information & Notification Everyday	12
407.16	Restraining Order	12
407.17	Training	12
407.18	VSU Survey	13
407.19	Victim/Offender Dialogue in an Institution	13
407.20	Apology Letter Bank	13
407.21	Unwanted Correspondence	13
407.22	Victim Awareness Programming	14
407.23	Court Assessments and Other Authorized Assessments	14

407.01

MISSION STATEMENT

The mission of the VSU is to provide support, information, and notification to victims of crimes, and other concerned individuals, whose perpetrators are inmates in the custody of the Department. These services shall be administered with respect, compassion, and confidentiality.

407.02

DEFINITIONS

178A CORI Access: Pursuant to M.G.L. c.6, §178A, a registration via the Department of Criminal Justice Information Services (DCJIS) for a victim of crime, witness, family member of a homicide victim, parent/guardian of a minor victim, or parent/guardian of a minor witness as defined by M.G.L. c. 258B, § 1, that allows access to all available criminal records information of the person arraigned or convicted of said crime.

Criminal Offender Record Information (CORI): Records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to that recorded as the result of the initiation of criminal proceedings or any consequent proceedings related thereto.

Citizen's Initiated Petition (CIP): Pursuant to M.G.L. c.6, § 172 (k), an authenticated user may, upon request, register an individual who articulates a fear of a specific named inmate, in order to receive advance notification of the inmate's change in custody status from the appropriate custodial or supervisory agency.

Department of Criminal Justice Information Services (DCJIS): The Commonwealth agency statutorily designated to provide a public safety information system and network to support data collection, information sharing and interoperability for the Commonwealth's criminal justice and law enforcement community; to oversee the authorized provision of CORI to the non-criminal justice community; to provide support to the Criminal Record Review Board; to operate the Firearms Records Bureau; and to provide technical support to the Victim Notification Registry (VNR) for the victims of crime.

Inmate: For the purposes of this policy, an individual, whether in pre-trial, un-sentenced, or sentenced status, who is confined in a correctional institution, including those patients admitted for evaluation or commitment to the Bridgewater State Hospital, the Massachusetts Treatment Center or the Massachusetts Alcohol and Substance Abuse Center.

Notice Registration: A registration recorded by DCJIS for certain eligible individuals to be notified of certain changes to an inmate's custody status pursuant to M.G.L. c. 258B, § 3(t) and M.G.L. c. 6, §§ 172 (a)(19) and (k).

Victim Information and Notification Everyday (VINE): An automated telephone and email service for accessing public information relative to a Department inmate's location. Additionally, VINE provides notification of an inmate's transfer, release or escape to those registered individuals who are registered for VINE. The web-based extension of VINE is www.vinelink.com.

Victim Notification Registry (VNR): The internet-based application maintained by the DCJIS and used to register eligible individuals affected by crime, victims, family members of homicide victims, and family members of deceased or incompetent victims, and individuals who are in fear of an inmate for notice of an inmate's change in custody status or for access to CORI.

Victim Rights Law: The law which affords victims, witnesses, parents/guardians of minor aged victims, family members of homicide victims, and family members of incompetent victims, certain rights and services during the investigation, prosecution, and post-conviction stages of the criminal justice process pursuant to M.G.L., c. 258B.

Victim Services Unit Advocate: Department staff member that provides direct services to those affected by crime, including Department employees. These services are administered with respect, confidentiality and compassion.

407.03

VICTIM SERVICES UNIT DUTIES AND RESPONSIBILITIES

- A. The VSU assists any victim/concerned individual in applying to the DCJIS for registration. This is accomplished through the completion of an application for notification form, which is submitted electronically by the VSU, to the DCJIS.
- B. The VSU shall mail an initial contact letter to all newly registered individuals informing them that the inmate for whom they are registered is incarcerated in the Department and providing them with the inmate's sentence structure and instructions for registering for VINE.
- C. The VSU provides post-conviction information, emotional support, crisis intervention, safety planning and referral services to victims, registered individuals, or any member of the general public who articulates a fear of a specific inmate.
- D. When a complaint is received from a victim, registered individual, or any member of the general public, the VSU shall work with the appropriate institution/division staff to resolve the issue/concern. Complaints include

unwanted contact made from an inmate in the custody of the Department. The VSU shall report the resolution of the complaint to the victim.

- E. The VSU staff shall be responsible for an assigned institution caseload and report statistical information to indicate the number and type of notifications made to the registered individuals on a monthly basis.
- F. The VSU shall be notified by the Department's Office of Communication and Administrative Resolution when the media is requesting to interview an inmate with a registered individual. The VSU shall inform the registered individual(s) of the request for an interview and shall forward any concerns stated by the victim/survivor to the Department's Communications and Administrative Resolution Unit.
- G. In an effort to ensure the quality of VSU services and to continually improve VSU services delivered, the VSU shall periodically mail a survey to registered individuals.

407.04

ELIGIBILITY FOR REGISTRATION

The DCJIS is the sole authority responsible for approving all VNR registrations.

- A. Pursuant to 803 CMR 9.04(2), the DCJIS may, upon request, register an individual in the VNR who articulates fear of a specific named inmate in order to receive advance notification of the inmate's change in custody status. Persons registered under 803 CMR 9.04(2) are entitled to receive the same types of notices as those who are certified under M.G.L. c. 258B.
- B. Pursuant to M.G.L. c. 6, § 178A, a victim of crime, witness, or family member of a homicide victim, all as defined by M.G.L., c. 258B, § 1, may be registered by the DCJIS, upon request, to receive CORI, provided that the request for said information relates to the offense in which such person was involved. Criminal justice agencies may also disclose to such persons such additional information, including but not limited to evaluative information, as such agencies determine, in their discretion, is reasonably necessary for the security and well-being of such persons.
- C. Pursuant to 803 CMR 9.07, a registered individual is responsible for providing any changes to the individual's registration information, including means of contact, name changes, address changes, phone number changes, and email address change. In order to change or update this information, the individual must contact the DCJIS or the Department.

407.05

STAFF VICTIMIZATION

Pursuant to M.G.L. c. 127, § 38D, at the request of any correction officer, or other employee of any jail, house of correction or correctional institution, the

Commissioner, Sheriffs or their designees shall provide notice to such officer, or employee of any transfer between such institutions or similar facilities utilized by the Commonwealth or any political subdivision within or without the Commonwealth, of an inmate convicted of an offense against such officer or employee. Such requests shall be made in writing to the Director of the VSU.

- A. Department employees registered by the DCJIS are entitled to the same rights and benefits under M.G.L. c. 258B, § 3(t), and M.G.L. c. 6, §§ 172C through 178A.
- B. The VSU shall work with the employee in accordance with 103 DOC 426, *Conflicts*. Whenever possible, a documented conflict will result in the inmate being transferred to another institution with the same security rating. If this is not possible, consideration shall be given to reassigning the staff member to another institution.
- C. The VSU shall provide crisis intervention, emotional support and referral services to all Department employees who request such assistance.

407.06

CONFIDENTIALITY OF REGISTRATION

Pursuant to 803 CMR 9.03(1), the information contained in the VNR is not subject to public disclosure as it contains confidential victim and witness information.

To ensure the confidentiality of information contained in the VNR, only staff whose duties require access to the database shall be authorized to utilize the VNR.

The Director of the VSU shall review all requests for VNR access by Department staff. Approved requests shall be forwarded to DCJIS for final authorization by the Director of the VSU. In addition, staff members who are granted access to the VNR shall:

- A. Keep all registration information confidential;
- B. Not disclose in any manner the existence or status of a registration to an inmate or any non-criminal justice representative;
- C. Pass the DCJIS Certification examination.

The VSU shall be immediately notified whenever a breach of confidentiality occurs. The VSU shall then notify the registered individual. Pursuant to M.G.L. c.6, § 168 and 803 CMR 2; DCJIS, through its Criminal Record Review Board, is

responsible for investigating complaints of improper access to, and dissemination of, CORI.

A list of approved users of the VNR shall be maintained by the Director of the VSU and shall be reviewed each year to ensure that staff who have access to the VNR still require access to perform their assigned duties.

407.07 **DURATION OF REGISTRATION**

Registration of both M.G.L. c. 6, § 178A CORI and notice registration shall remain effective for the natural life of the registered individual or inmate, unless cancelled by a custodial or supervising agency, by DCJIS, or by the registered individual.

407.08 **CANCELLATION OF REGISTRATIONS**

Pursuant to 803 CMR 9.09; *Responsibilities of Custodial and Supervisory Agencies Relevant to Registered Individuals*, registration may be cancelled in the following circumstances:

- a. the death of a registered individual;
- b. the death of the inmate;
- c. a finding of registration misuse;
- d. a finding that a registered individual has made explicit threats or articulated plans to harm an inmate upon the inmate's release from custody;
- e. a finding that the purpose of the registration no longer exists;
- f. the registered individual voluntarily cancels registration; and
- g. invalid contact information.

The VSU shall process all requests for registration cancellation initiated by the Department.

407.09 **PROCEDURES FOR PROCESSING REGISTRATIONS**

The VSU shall reference the VNR Program of the DCJIS daily. This is to ascertain whether newly admitted/sentenced inmates have a prior active registration. Upon the determination that a prior registration exists, the VSU shall update the VNR database.

The VSU shall run a new certification report daily in the VNR Program to ascertain if DCJIS has approved new registrations. Upon the determination that new registrations were processed by DCJIS, the VSU shall update the VNR database.

The VSU shall enter an indicator in the Inmate Management System (IMS), if a registration exists.

407.10

DEPARTMENT OF CORRECTION RESPONSIBILITY

The Department shall notify the registered individual in the following instances:

- A. If the inmate is approved for transfer to minimum security, the Department shall notify the registered individual of the pending transfer by telephone and mail, at least fourteen (14) days in advance. The Department shall inform the registered individual, in writing, of the location of the transfer and a description of any temporary activity when an inmate is placed into the community. If the registered individual responds to the advance notice, the Department, where practicable, shall consider the registered individual's place of residence and/or workplace, if known, for safety purposes;
- B. If the inmate is approved for transfer to pre-release security, the Department shall notify the registered individual, by telephone and mail, of the pending transfer at least fourteen (14) days in advance of the pending transfer. The Department shall also notify the registered individual, in writing, of the location of the transfer, and a description of any temporary or pre-release activity when an inmate is placed into the community. If the registered individual responds to the advance notice, the Department, where practicable, shall consider the registered individual's place of residence and/or workplace, if known, for safety purposes;
- C. When the inmate returns to higher security from a minimum/pre-release or lower security, the Department shall make this notification as soon as possible by telephone and mail;
- D. If the inmate is approved for a lateral transfer, from a pre-release or minimum security, the Department shall notify the registered individual as soon as practicable by telephone and mail;
- E. If the inmate is transferred to an out of state/federal institution, the Department shall notify the registered individual of the transfer as soon as practicable by telephone and mail;
- F. If the inmate has received a final release date, the Department shall notify the registered individual at least fourteen (14) days in advance by telephone and mail;
- G. If the inmate receives a short sentence that prohibits fourteen (14) days advance notice, the Department shall notify the registered individual by both telephone and mail as soon as practicable;

- H. If the inmate receives a court ordered release from custody, to include a release from the Massachusetts Treatment Center (MTC), from an order holding the person pursuant to the provisions of M.G.L. c. 123A, the Department shall notify the registered individual by both telephone and mail as soon as practicable;
- I. If an inmate is released from a state criminal sentence and civilly committed directly to Bridgewater State Hospital (BSH), the Department shall notify the registered individual by both telephone and mail as soon as practicable.
- J. If the inmate is approved to receive an emergency escorted trip (EET), the Department shall notify the registered individual by both telephone and mail as soon as practicable before the EET occurs;
- K. If the inmate dies, the Department shall notify the registered individual as soon as practicable by telephone and mail;
- L. If the inmate escapes, the Department shall notify the registered individual by both telephone and mail as soon as practicable. The Fugitive Apprehension Unit shall notify the Duty Station when the inmate has been apprehended. The VSU shall notify the registered individual of the inmate's return;
- M. If an inmate submits a petition for medical parole, the VSU shall notify victims/family members as soon as practicable and inform the victims of their options for participation in the medical parole process. VSU shall provide support to victims/family members through the hearing process, if applicable. Note: individuals registered as witness or CIP are not eligible for initial notification;
- N. If the inmate's medical parole petition is denied, the VSU shall notify the registered victims and family members of the denial as soon as practicable; and
- O. If the inmate is approved to receive a medical parole, the Department will notify all the registered individuals at least fourteen (14) days in advance by mail. If the time frame of the release ordered does not permit fourteen (14) days, the VSU shall notify the registered individual as soon as practicable by telephone and mail.
- P.Θ. If the inmate is transferred to Electronic Monitoring (ELMO) Program, the Department shall notify the registered individual, by mail, of the pending supervised release at least fourteen (14) days in advance of the pending supervised release. The Department shall also notify the registered

individual, in writing, of the approximate location and of any monitoring details or restrictions related to an inmate's Electric Monitoring status. If the registered individual responds to the advance notice, the Department, where practicable, shall consider the registered individual's place of residence and/or workplace, if known, for safety purpose.

407.11

DUTY STATION NOTIFICATIONS

During business hours the VSU shall notify any individual previously approved for such notification by the DCJIS in accordance with 103 DOC 407.10. During non-business hours, the Duty Station shall notify any registered individual by telephone of an inmate's escape, court-ordered release from custody, or death as soon as practicable.

In the event of an escape, or release from custody without prior notification, the following guidelines shall be followed.

- A. If verbal notification cannot be made after trying the telephone number(s) of the registered individual in the VNR database, the local police department where the registered individual resides shall be contacted to assist with prompt notification.
- B. The request to the local police department shall be documented in the Applicant Communication Log of the VNR database.
- C. The VSU shall follow-up the next business day for any appropriate action.

In the event of an inmate death during non-business hours, the Department Duty station shall notify registered individuals as soon as possible by telephone.

- A. Duty station staff shall document the attempt to contact the individual in the applicant communication log of the VNR.
- B. The VSU shall follow-up the next business day and make any additional notifications.

407.12

INSTITUTIONAL PROCEDURES FOR PROCESSING NOTIFICATIONS

Each Superintendent or designee shall implement the institution's notification process, while the VSU shall make all notifications submitted by the institution. Notifications to the VSU will be made electronically via IMS except in the event of an Emergency Escorted Trip (EET) or an immediate release from custody. In these circumstances, the institution shall check IMS to determine whether the inmate has a registration lodged against him/her/them. A flag indicates that one

or more certified individual(s) exists. If a registration exists, the Notification of Inmate Status Change (NISC) form located on the Central Records Intranet page shall be completed and submitted to the VSU via email with a follow up phone call to ensure the information is received.

407.13

TELEPHONE, MAIL AND APPLICANT LOG PROCEDURES

All registered individual(s) shall be notified in accordance with 803 CMR 9, *Victim Notification Registry (VNR)*. If an individual requests that only one particular type of notification (i.e., email, telephone, mail) be used for contact, the Department will comply with that request. The method(s) of notification shall be made as follows:

- A. The VNR database shall be referenced for accurate contact information.
- B. When a notification is made, an entry shall be noted in the Applicant Communication Log to confirm notification was either provided or attempted and the date. A copy of the notification letter shall be placed in the VSU file.
- C. Upon the receipt of a returned envelope from the US Postal Service that is marked with forwarding address unknown or undeliverable, the VSU shall:
 - 1. If an active driver's license or Massachusetts I.D. is found for the certified person with a matching date of birth (DOB) and/or social security number (SSN), the address listed shall be treated as valid contact information and the original notification letter shall be forwarded.
 - 2. The updated address information shall be entered into the VNR.
 - 3. If a valid address is not obtained found using the RMV database or the address found in the RMV search is attempted and the letter is later returned with no forwarding address, the certification will be canceled due to lack of contact information.

407.14

PROCEDURES FOR PROCESSING INFORMATION

The VSU shall maintain a copy of any notification letter(s) for four (4) years.

407.15**VINE – VICTIM INFORMATION & NOTIFICATION EVERYDAY**

VINE is a subsidiary of a private company (Appriss/Equifax) that provides an automated telephone service for accessing public information relative to a Massachusetts DOC inmate's location. The web-based extension of VINE is www.vinelink.com; and the phone number to access VINE is 1-877-421-8463.

407.16**RESTRAINING ORDER**

The Criminal History Records Information staff shall enter inmates with a restraining order into the Legal Issues screen of IMS. The VSU shall run a "Print Legal Issues" report of all newly issued restraining orders on the seventh of each month. The VSU shall contact victims (not registered by DCJIS) with active M.G.L. c. 209A restraining orders and assist them in becoming registered.

407.17**TRAINING**

Training is an important component of the VSU and is focused on two primary areas, training for Department employees and training for the public and other victim service organizations.

- A. Department Employees - the VSU shall conduct training for all new employees. This training shall include general information about the VSU, its policies, procedures and mission statement.
- B. Training will be provided to staff authorized for VNR access. In addition, staff will sign the VNR authorization form indicating that they have received a copy of, and understand, the agency's VNR policy located in 103 DOC 407, *Victim Services Unit*, and 803 CMR 9 *Victim Notification Registry (VNR)*.
- C. Additional employee training shall be primarily directed at those individuals involved with victim facing services. The purpose of the training is to sensitize and familiarize personnel to the issues and concerns of victims/certified petitioners. The curriculum includes the following topics: specific services available to crime victims; changes in laws impacting victims; method(s) of gaining access to the services; confidentiality of victim information; methods for victims to communicate complaints and other concerns; program evaluation measures, which include victim input regarding the effectiveness of services; and, methods for victims to make suggestions regarding Department policies and practices intended to assist crime victims.
- D. The VSU will conduct training throughout the Commonwealth for various state and non-profit victim service organizations. These trainings shall

include general information about the VSU, notification procedures, and VINE information.

- E. The VSU will participate in National Victim Rights Week through the annual Massachusetts Office for Victim Assistance (MOVA) sponsored Victim Rights Conference.
- F. The VSU will participate in various victim fairs, awareness days and conferences.

407.18

VSU SURVEY

In an effort to ensure the quality of our program services, continually improve our services and provide a way for victims to communicate complaints and other concerns, the VSU encourages registered individuals to contact the VSU if they have any questions or concerns. This is documented in all notification letters sent to the registered individuals. In addition, the VSU conducts a client satisfaction survey. The purpose of the survey is to measure satisfaction levels as it relates to the services provided by the VSU and to request opinions on areas for improvement. A survey is sent once during an initial notification and subsequently every three (3) years. The fact that the survey was sent is then documented in the VNR Applicant Communication Log. The Director of the VSU shall annually generate a report that highlights the survey results.

407.19

VICTIM/OFFENDER DIALOGUE IN AN INSTITUTION

The VSU may accommodate, when appropriate, a request from a victim/survivor to meet face-to-face or by other means with an inmate who has committed a crime against that victim, in a safe, secure, and confidential setting subject to conditions and restrictions established by the Department. This meeting shall only take place after thorough preparation with the assistance of a properly trained facilitator.

407.20

APOLOGY LETTER BANK

Inmates may submit a one-time Letter of Apology to the VSU. The Letter of Apology will be review by VSU staff and the Director of the VSU for appropriateness. Once a letter is found to be appropriate and all releases and acknowledgements are signed, the letter is deposited into the bank.

VSU gives option of delivery to victim/survivor(s) in compassionate and trauma informed manner.

407.21

UNWANTED CORRESPONDENCE

Pursuant to 103 CMR 481, *Inmate Mail*, all outgoing mail shall be stamped on the reverse side of the envelope with language indicating that the correspondence is

sent from a correctional institution. Mail shall be stamped in blue ink only, and the stamp shall read as follows:

This correspondence is forwarded from a Massachusetts Correctional Institution. The contents may not have been evaluated and the Department of Correction is not responsible for the substance or content of the enclosed material. If you have received unwanted correspondence from this inmate, call 1-866-684-2846 to stop future correspondence.

The telephone number provided is the toll-free number for the VSU. The VSU shall receive calls to assist individuals in having the correspondence stopped and/or in becoming registered for notification.

407.22

VICTIM AWARENESS PROGRAMMING

Victim awareness programs are part of the programming attended by inmates prior to their release. These programs teach inmates how crime affects the victim, their family and friends, their community, and themselves. The purpose of victim awareness programming is to cause inmates to think about the consequences of their actions and to increase the inmate's recognition of the effects of victimization of another, with the aim of reducing recidivism.

407.23

COURT ASSESSMENTS AND OTHER AUTHORIZED ASSESSMENTS

Pursuant to 103 CMR 405, *Inmate Funds*, specifically 405.17, *Court Assessments and Other Authorized Assessments*, any and all funds in an inmate's personal or savings account may be expended by the Superintendent to satisfy an amount ordered by a court including, but not limited to, restitution, fines, victim witness assessments, court costs, etc., notwithstanding the provisions of 103 CMR 405.16, *Disciplinary Process Sanctioned Reimbursements*, and regardless of inmate consent. Such fines shall be entered into the IMS Sentence Information Screen. Payment of such fines shall be entered in the Inmate Transaction Screen.

In the event of a department wide loss of computer infrastructure; a contingency plan for Continuity of Operations Plan (COOP) is located in the Deputy Commissioner of Clinical Services and Reentry's Office.